

FILED

JUN 19 2014

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

ROBERT AYRES DASILVA, JR.,

Petitioner,

vs.

WARDEN SAM LAW; ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

CV 13-25-GF-DWM-RKS

ORDER

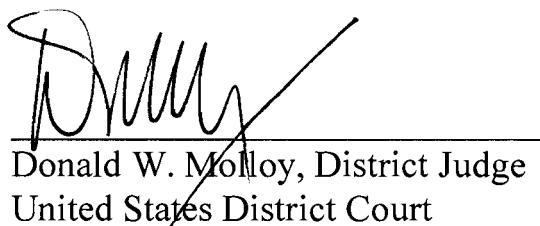
Robert Ayres DaSilva, Jr. requests this Court order his immediate release from custody on the grounds that his writ for habeas corpus has been conditionally granted. (Doc. 39.) The United States Supreme Court “has repeatedly stated that federal courts may delay the release of a successful habeas petitioner in order to provide the State an opportunity to correct the constitutional violation found by the court.” *Hilton v. Braunschweil*, 481 U.S. 770, 775 (1987).

Accordingly, IT IS ORDERED that DaSilva’s motion for immediate release (Doc. 39) is DENIED. However, should the State fail to reinitiate state

proceedings against DaSilva within the 60-day period, DaSilva will be released.

See Harvest v. Castro, 531 F.3d 737, 742 (9th Cir. 2008) (if the state fails to act within the prescribed period, the petitioner is released).

Dated this 19 day of June, 2014.


Donald W. Molloy, District Judge
United States District Court